

**TOWN OF LITCHFIELD, NH**  
**ZONING ORDINANCE**

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**507.00      *Accessory Dwelling Units.***

*(Adopted March 12, 2012)*

**507.01      Authority.**

*NH RSA 674:21, Innovative Land Use Controls, Litchfield Zoning Ordinance section 507, Accessory Dwelling Unit.*

**507.02      Definitions.**

Dwelling Unit, Accessory (ADU). A second dwelling unit contained within an owner-occupied single-family dwelling, including within its attached garage that has independent kitchen, bathroom and living quarters, and meets the following criteria:

- a. complies with all Federal, State and local requirements for issuance of a building permit and issuance of a certificate of occupancy as a dwelling unit from the Town of Litchfield;
- b. is clearly incidental and subordinate in extent and use to the primary dwelling and dwelling unit approved for the subject parcel of land, and is not less than 500 ft<sup>2</sup>, or more than 650 ft<sup>2</sup> of gross living area above ground (GLAAG);
- c. is the only accessory dwelling unit within the single-family dwelling;
- d. is for non-rental housing for the owner occupant, family members, or a family caregiver;
- e. the owner of the property shall occupy either the primary or secondary dwelling unit and provide documentation that the occupants meet the definition of family member or family caregiver;
- f. maintains the single-family character of the dwelling and conformity with the character of the neighborhood;
- g. has an internal door connecting the primary and secondary dwelling units to facilitate family interaction, and conversion back to a single-family dwelling;
- h. uses the same house number, mail box and utility service as the primary dwelling unit;
- i. any required secondary access shall be from the rear or side of the primary structure;
- j. has adequate parking from the existing access point; and
- k. is considered 1 ½ bedrooms for the purpose of septic loading and/or design, and certification is required that an approved subsurface waste disposal system(s) is designed and functioning for the combined flows of the primary and secondary dwelling units.

Dwelling Unit, Primary. The single-family residence (dwelling) approved for the subject parcel.

Family Member. For the purposes of this ordinance, family members shall mean the owner occupant's biological, foster or adoptive parent, a stepparent, spouse (partner by marriage or

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legal union), a biological, adoptive or foster child, a step child, a legal ward or a person whom the owner occupant has (or had during the person's youth) daily responsibility and financial support, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparents, and grandchildren of both the owner occupant and spouse (partner by marriage or legal union).

Family Caregiver. A layperson or professional, typically over the age of 18, who is, by agreement or contract, actively providing necessary care to the owner occupant or family member defined above. Care includes, but is not limited to assisting with daily activities, companionship, administering medication, providing therapy, tending to the needs of a sick, injured, physically or mentally challenged, or disabled person. It is generally one who gives assistance to another person who is temporarily or permanently unable to perform the critical tasks of personal or household care necessary for everyday survival.

**507.03**      Purpose.

To permit an Accessory Dwelling Unit (ADU) as defined above, in Litchfield, NH for the sole purpose of providing the owner occupant of a single-family dwelling flexibility in living arrangements and to provide alternative ‘not-for-rent’ housing for an owner occupant’s family member, or a family caregiver.

**507.04**      Administrations.

- a. Accessory Dwelling Units (ADUs) shall be administered by the Building Inspector in accordance with this ordinance. Written and or electronic notification of the Planning Board is required at the time of application and approval of an ADU from the Building Inspector (E.g. Plans, as-built - for files). ADUs require a Building Permit and an initial Certificate of Occupancy. Where expansion of the Primary Dwellings footprint is planned or there is a question regarding existing setback compliance, the Building Inspector may require a certified lot plan.
- b. The owner shall file with the Town and the Town shall record an approved “Notice of Limited Occupancy” in the form of a deed restriction with Hillsborough County Registry of Deeds prior to issuance of a Certificate of Occupancy from the Town. The deed restriction shall indicate the presence of an ADU, the requirement for owner-occupancy and other standards for maintaining the unit as described in this section (terms of COC).
- c. A Certificate of Compliance (COC), which may be a Certificate of Occupancy (CO), is required for each change of ownership, if the owner chooses to continue an ADU. The ADU shall not be occupied without a Certificate of Compliance issued by the Building Inspector.
- d. The Building Inspector shall keep records of Accessory Dwelling Units and include statistics on approved, discontinued, and current number of ADUs for Town reports.

**507.05**      Enforcement and Penalties.

The Selectmen and/or their designee (E.g. Code Enforcement Officer) may take any enforcement action under RSA 676:17, Fines and Penalties; Second Offence, or as otherwise authorized.

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507.06      Conflict and Severability

If any section of this Ordinance is found to be in conflict with any other section of the Ordinance or with any local, state, or federal regulation, the more stringent standard shall apply. The invalidity, unconstitutionality or illegality of any Section or provision of this Ordinance or of any zoning district boundary shown on the zoning map shall not have any affect upon the validity, constitutionality or legality of any other Section, provision or zoning district boundary.

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